



Montana Department of  
**ENVIRONMENTAL QUALITY**

*"Healthy environment, healthy people"*

Steve Bullock, Governor  
Tracy Stone-Manning, Director

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*Via E-mail and U.S. Mail*

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**Re: ExxonMobil Silvertip Pipeline Administrative Order on Consent, Docket No. WQA-12-08 (AOC) - No Further Reclamation Activities on State Land Required**

Dear Mr. Henson:

The Montana Department of Environmental Quality (DEQ) has reviewed the July 24, 2013 *Reclamation Activities Completion Report, Silvertip Pipeline Incident Response* (the Report). ARCADIS US, Inc. (Arcadis) prepared the Report on behalf of ExxonMobil Pipeline Company (EMPCo). DEQ contracted much of the oversight of reclamation activities to Herrera Environmental Consultants, Inc. (Herrera). The DEQ-approved September 2011 *Framework Document for the Reclamation of Disturbed Vegetation* (the Work Plan) is the work plan for these reclamation activities, as outlined in Paragraph 11 of Attachment A of the AOC. The focus of the reclamation work and this letter is on State of Montana-owned lands. Similar reclamation activities on private lands were conducted per agreements between EMPCo and property owners. As of the date of this letter, DEQ has not received complaints from property owners regarding EMPCo reclamation on private property.

In fall 2011, Arcadis and representatives of the State (personnel from the Montana Department of Natural Resources [DNRC], the Montana Department of Fish Wildlife and Parks [FWP], and/or DEQ or its contractors) mapped disturbance and developed Reclamation Field Forms (RFFs) for each disturbed area. Using the information in the RFFs, Arcadis developed Area Specific Reclamation Plans (ASRPs). With Herrera's oversight, Arcadis subsequently completed the work specified in each ASRP. In summer 2012, Arcadis and Herrera visited each area to determine whether the area had been successfully reclaimed per the ASRPs. The summer 2012 site visits found that this reclamation had been successful at all but two locations (B12-RB-1-S and A11-IS-1-S), which required additional work. In July 2013, DEQ's contractor, Herrera, verified that reclamation at each of these remaining areas was successful. In addition to these two locations, EMPCo conducted additional reclamation activities in 2012 at FWP's Duck Creek fishing access site and also at DNRC lands in Area B46/47. A DNRC representative signed a Reclamation Acceptance form for the Area B46/47 Area on November 5, 2012. In addition, an

FWP representative and Herrera signed a Reclamation Acceptance form for the Duck Creek Area on July 17, 2013.

Based upon the information provided in the Report, and also upon information provided in Herrera's oversight reports, DEQ has determined that Silvertip reclamation activities on State of Montana lands as required by the Work Plan are complete. At this time, DEQ will not require EMPCo to conduct additional reclamation actions at State lands along the Yellowstone in relation to disturbance created by cleanup of the Discharge. However, DEQ reserves the right to conduct or require additional reclamation actions in the future if conditions previously unknown to DEQ are discovered, or if DEQ receives new information that indicates that the reclamation work on State lands was not adequate to protect the public health, welfare or safety, or the environment. This letter does not release EMPCo from any reclamation work required as part of a DEQ-approved Supplemental Environmental Project. This letter also does not release EMPCo from any reclamation work to restore the area under federal or State law related to natural resource damages. This letter also does not release EMPCo from any reclamation work required by the Yellowstone County Weed Board or other government agency or required by an agreement with a private landowner. Additionally, if DEQ were to receive a complaint regarding reclamation on private property, DEQ may require EMPCo to address such reclamation, pursuant to the terms of the Administrative Order on Consent, Docket No. WQA-12-08.

Please contact me if you have any questions or concerns about this letter. On behalf of DEQ, I wish to thank EMPCo and Arcadis for conducting the needed reclamation activities on State lands in response to disturbance created during cleanup of the Discharge. I also wish to thank EMPCo and Arcadis for their cooperation in completing additional reclamation activities at the Duck Creek access area and in Area B67/B47.

Sincerely,



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